

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

206

CRM-M-27616-2023

Date of decision: 02.08.2023

Sunil Kumar

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. KL Saini, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. On 30.05.2023, this Court had passed the following order:-

“Present petition has been filed under Section 438 of Cr.P.C., praying for grant of anticipatory bail to the petitioner in case bearing FIR No. 91 dated 06.05.2023 registered under Sections 21-B, 27-A of NDPS Act at Police Station Station Garhi, District Jind.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case as the alleged contraband has already been recovered from the co-accused-Shamsher Singh and petitioner has been implicated on the basis of disclosure statement of the said co-accused. Learned counsel further contends that the alleged recovery of contraband falls under the category of non-commercial quantity and no other case is pending against the petitioner. Learned counsel submits that since nothing is to be recovered from the petitioner, so his custodial interrogation is not required and he is ready to join the investigation.

Notice of motion.

Mr. Bhupender Singh, DAG Haryana, who is present in the Court, accepts notice on the asking of the Court and seeks time to file reply/status report.

Adjourned to 02.08.2023.

Meanwhile, in the event of arrest, the petitioner is ordered to be released on interim bail on his furnishing personal bonds and surety bonds to the satisfaction of

Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions from SI Hari Kishan affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 30.05.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

02.08.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No